

**STATE OF MICHIGAN**  
**COURT OF APPEALS**

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In the Matter of TANICKIA DONNELLY, Minor.

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DEPARTMENT OF HUMAN SERVICES,

Petitioner-Appellee,

v

KASEY W. DONNELLY,

Respondent-Appellant,

and

JOSEPH DONNELLY,

Respondent.

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In the Matter of TANICKIA DONNELLY, Minor.

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DEPARTMENT OF HUMAN SERVICES,

Petitioner-Appellee,

v

JOSEPH DONNELLY,

Respondent-Appellant,

and

KASEY W. DONNELLY,

Respondent.

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Before: Borrello, P.J., and Jansen and Cooper, JJ.

UNPUBLISHED

October 3, 2006

No. 268758

Calhoun Circuit Court

Family Division

LC No. 04-000422-NA

No. 268759

Calhoun Circuit Court

Family Division

LC No. 04-000422-NA

PER CURIAM.

In these consolidated appeals, respondents appeal as of right from the order terminating both of their parental rights to the minor child pursuant to MCL 712A.19b(3)(c)(i), (g), and (j), and respondent-mother's parental rights pursuant to MCL 712A.19b(3)(n)(i). We affirm.

Termination of parental rights is appropriate where petitioner proves by clear and convincing evidence at least one ground for termination. *In re Trejo*, 462 Mich 341, 355; 612 NW2d 407 (2000). Once this has occurred, the trial court shall terminate parental rights unless it finds that the termination is clearly not in the best interests of the child. *Id.* at 353; MCL 712A.19b(5).

Respondents contend that petitioner failed to provide adequate services to them. Specifically, they argue that they should have been provided additional parenting classes. However, petitioner fulfilled its obligation by adopting a service plan, which included parenting classes, and by referring respondents to those services. Respondent's failure to rectify the conditions leading to adjudication was not caused by petitioner's failure to make reasonable efforts at reunification.<sup>1</sup>

The conditions that led to adjudication were respondents' financial situation, the condition of their home, and allegations of criminal sexual conduct with regard to respondent-mother. At the time of the termination hearing, there were still issues regarding respondents' finances. Respondent-father did not have a job and was denied SSI benefits. Respondents were also \$1,000 behind in lot rent and \$492 behind in their water bill. In addition, foster care worker Amy Latimer testified that at her last home visit she found the home dirty, with food on the counter and stove. Based on this evidence, the trial court did not clearly err in finding that the conditions that led to adjudication continued to exist and that the conditions would not be rectified within a reasonable time considering the child's age.

Regarding respondents' ability to provide proper care and custody to their daughter and to keep her safe in their home, psychologist Renay Montgomery expressed concern with respondents' parenting skills. Montgomery opined that, although respondents were offered services to address their parenting skills, they remained "limited" in their capacity to provide appropriate care for their child. In addition, respondent-mother's prognosis for developing the needed skills to parent her child in the next year was poor, according to her psychological evaluation. Further, testimony revealed that respondents' inability to parent their young daughter posed a risk for both emotional and physical harm to her. The trial court did not clearly err in finding MCL 712A.19b(3)(c)(i), (g), and (j) established with regard to both respondents.

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<sup>1</sup> Respondent-mother also appears to argue that the counseling services offered to the minor child were inadequate because the foster parents did not take the child to counseling sessions. However, psychologist Laura Nardi testified that she saw the child on an almost weekly basis and that the child made improvements in her coping skills and security issues. Therefore, this argument lacks merit.

Respondent-mother contends that the trial court clearly erred in terminating her parental rights under MCL 712A.19b(3)(n)(i), which provides for termination when the parent is convicted of criminal sexual conduct and when termination is in the child's best interests. Respondent-mother does not challenge that she was convicted of criminal sexual conduct, stemming from an act of intercourse with a 15-year-old boy. Rather, she argues that continuing the relationship with her daughter would not harm the child. However, respondent-mother's failure to address her parenting skills did pose a risk of harm to the child. Thus, the trial court did not clearly err in terminating respondent-mother's parental rights under this subsection as well.

Respondents also contend that it was not in the child's best interests to terminate their parental rights. Respondents loved their daughter. However, there were numerous concerns with respondents' ability to parent their child, to provide a safe home for the child, and to provide for the child's necessities. This child needed some permanency in her life, which respondents were not able to provide. Accordingly, the evidence failed to show that termination of respondents' parental rights was clearly not in the child's best interests.

Affirmed.

/s/ Stephen L. Borrello

/s/ Kathleen Jansen

/s/ Jessica R. Cooper